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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/613,401	07/02/2003	Daniel Putterman	MEDB.P0007	2370

23349 7590 03/29/2007
STATTLER JOHANSEN & ADELI LLP
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SAN JOSE, CA 95113

EXAMINER

ZHAO, DAQUAN

ART UNIT	PAPER NUMBER
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2621

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/29/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/613,401

Applicant(s)

PUTTERMAN ET AL.

Examiner

Daquan Zhao

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 7/2/2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7, 10-17 and 20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 10-17 and 20 is/are rejected.
- 7) ☒ Claim(s) 8, 9, 18, 19 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>5/20/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1,2, 3, 7, 11, 12, 13, 17 and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Srikantan et al (US 2002/0,010,917 A1).

For claim 1, Srikantan et al teach a method for recording media, said method comprising the steps of:

- receiving at least one media stream (e.g. paragraph [0026], server receives a media stream from another server);
- storing at least a portion of said media stream in at least one personal video recording ("PVR") media server (e.g. figure 1, media streaming server 102 stores a media stream from either media streaming server 130 or pre-recorded media 104);
- coupling a plurality of clients, capable of displaying said media stream, to said PVR media server (e.g. figure 1, client 110 and client 112 both have display shown in figure 1);
- generating a first buffer position to identify a location within said media stream for playback of said media stream at a first client; and
generating a second buffer position to identify a location within said

media stream for playback of said media stream at a second client, said second buffer position being independent from said first buffer position (e.g. paragraph [0054], TrackHandles are considered to be buffers, wherein the TrackHandles maintains clients' current playback position in a media track of a media stream. Also see figures 2 and 3 and paragraph [0042]-[0045]).

Claim 11 is rejected for the same reasons as discussed in claim 1 above.

Claim 21 is rejected for the same reasons as discussed in claim 1 above with further limitation of a media controller (e.g. figure 1, media streaming server must have a controller such as a CPU).

For claims 2 and 12, Srikantan et al teach steps of transferring said media stream to a first client, so as to deliver said media stream using said first buffer position; and transferring said media stream to a second client, so as to deliver said media stream using said second buffer position (e.g. paragraph [0054], TrackHandles include buffers for sending media packets).

For claims 3 and 13, Srikantan et al teach the step of generating more than two independent buffer positions to identify locations within said media stream for more than two clients (e.g. paragraph [0054], TrackHandles include buffers for sending media packets).

For claims 7 and 17, Srikantan et al teach the step of storing at least a portion of said media stream comprises the step of buffering said media stream for an amount of time when receiving said media stream (e.g. paragraph [0054], TrackHandles include

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buffers for sending media packets. When the data is buffered, it must take time to real data out from the buffer).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 4,5, 6, 14, 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Srikantan et al (US 2002/0,010,917 A1) as applied to claims 1,2, 3, 7, 11, 12, 13, 17 and 21 above, and further in view of Clarin et al (US 6,414,725 B1).

See the teaching of Srikantan et al above.

For claims 4 and 14, Srikantan et al fail to teach receiving at least one television signal. Clarin et al teach receiving at least one television signal (e.g. column 3, lines 37-58, video server 2 receives NTSC television signals and network server receives NTSC television signals through MPEG encoder 5, column 4, lines 10-24). It would have been obvious for one ordinary skill in the art at the time the invention was made to incorporate the teaching of Clarin et al into the teaching of Srikantan et al to eliminate the time necessary for the user to wait for the tv broadcast programs.

For claims 5 and 15, Clarin et al teach receiving at least one television signal comprises the step of receiving a plurality of television signals in a single PVR-media server (e.g. column 3, lines 37-58, video server 2 receives NTSC television signals and

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network server receives NTSC television signals through MPEG encoder 5, column 4, lines 10-24).

For claims 6 and 16, Clarin et al teach receiving a plurality of television signals comprises the step of receiving at least one television signal in each of a plurality of PVR-media servers.

3. Claims 10 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Srikantan et al (US 2002/0,010,917 A1) as applied to claims 1,2, 3, 7, 11, 12, 13, 17 and 21 above, and further in view of Kaminski et al (US 6,744, 967 B2).

See the teaching of Srikantan et al above.

For claims 10 and 20, Srikantan et al fail to teach generating a write buffer position to identify a location within said media stream for recordation of said media stream; and maintaining a relative position between said first or second buffer position and said write buffer position, so as to set boundary conditions. Kaminski et al teach generating a write buffer position to identify a location within said media stream for recordation of said media stream; and maintaining a relative position between said first or second buffer position and said write buffer position, so as to set boundary conditions (e.g. figure 6, column 22, lines 51-65, portion 630 and portion 634 show the boundary condition). It would have been obvious for one ordinary skill in the art at the time the invention was made to incorporate the teaching of Kaminski et al into the teaching of Srikantan et al to enhance the buffering mechanisms for personal video recording system (e.g. Kaminski et al, column 1, lines 41-59).

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Allowable Subject Matter

4. Claims 8, 9, 18 and 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Cawley (US 2002/0016889 A1); Cismas (US 7,093,094 B2); Schneider (US 6,240,094 B1); Huebsh et al (US 6,742,092 B1); Brooks et al (US 7,069,573 B1).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daquan Zhao whose telephone number is (571) 270-1119. The examiner can normally be reached on M-Fri. 7:30 -5, alt Fri. off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tran Thai Q, can be reached on (571)272-7382. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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